

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

10 PULSE-LINK INCORPORATED,) Civil No. 07cv1125-L(AJB)
11 Plaintiff,)
12 v.)
13 TZERO TECHNOLOGIES,)
14 INCORPORATED,)
15 Defendant;)
16 _____)
17 And related counterclaims.)

**ORDER GRANTING JOINT
MOTION TO STAY LITIGATION
PENDING *INTER PARTES*
REEXAMINATION IN THE
UNITED STATES PATENT AND
TRADEMARK OFFICE**

19 The parties filed a joint motion seeking to stay this action pending the United States
20 Patent and Trademark Office's ("PTO") consideration of their petition for reexamination of
21 United States Patent No. 6,970,448 ("‘448 Patent") and, if the petition is granted, the
22 reexamination of the ‘448 Patent. Because this case is in its early stages and because a
23 reexamination is likely to simplify the issues before this court, the joint motion for stay is

GRANTED.

IT IS HEREBY ORDERED THAT:

26 1. All proceedings in this case, including discovery, are **STAYED** and all hearing dates
27 set on the court's calendar are **VACATED**.

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1 2. Because a reexamination can take up to two or more years, this case is

2 **TEMPORARILY CLOSED.** Either party may file an ex parte application to reopen the case
3 after either (a) the PTO denies Tzero Technologies, Incorporated's ("Tzero") request for
4 reexamination of the '448 Patent; or (b) the PTO issues a reexamination certificate for the '448
5 Patent. The ex parte application shall be filed no later than thirty (30) calendar days after either
6 event, and shall include a copy of the PTO's denial of the petition for reexamination or a copy of
7 the reexamination certificate.

8 3. Upon reopening of the case, the parties shall comply with their respective outstanding
9 discovery obligations and shall schedule a case management conference before the Hon.
10 Anthony J. Battaglia to reset case management dates. Neither party shall argue that the passage
11 of time due to the stay prejudiced them or that it justifies delaying resolution of this case.

12 **IT IS SO ORDERED.**

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14 DATED: July 21, 2008

15 
16 M. James Lorenz
United States District Court Judge

17 COPY TO:

18 HON. ANTHONY J. BATTAGLIA
UNITED STATES MAGISTRATE JUDGE

19 ALL PARTIES/COUNSEL

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